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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
corporation,

Case No.: 2:11-cv-01820-GMN-NJK

10
11 Plaintiff,

12 vs.

STIPULATION TO EXTEND
DEADLINES (SIXTH REQUEST)

13 POST RAINBOW, LLC, a Nevada limited
liability company; ARVSET, LLC, a Nevada
limited liability company; THE CRAIG S.
14 MICHAEL FAMILY LIMITED
PARTNERSHIP, a limited partnership; CRAIG
15 S. MICHAEL, an individual; DONALD D.
BORSACK, an individual; MARLEAU D.
16 BORSACK, an individual; JAMES E.
BORSACK, an individual; RENEE S.
17 BORSACK, an individual; EDWARD
BORSACK, an individual; JOHN D. GURELL,
18 an individual; MARY K. DURELL, an
individual; WILLIAM BORSACK, an
19 individual; THE DONALD D. BORSACK AND
JULIE BORSACK FAMILY TRUST; THE
20 MARLEAU D. BORSACK FAMILY TRUST;
THE WILLIAM F. BORSACK LIVING
21 TRUST; THE JAMES AND RENEE BORSACK
FAMILY TRUST; THE JOHN D. GURELL
22 AND MARY K. GURELL FAMILY TRUST;
and DOES 1 through 10, inclusive.

23
24 Defendants.

25 **STIPULATION TO EXTEND DEADLINES (SIXTH REQUEST)**

26 Pursuant to FRCP 6(b), Local Rule 6-1(b), and Local Rule 26-4, Defendants by and
27 through their attorneys of record, the law firm of Marquis Aurbach Coffing, and Plaintiff by and
28

1 through its attorneys of record, the law firm of Holland & Hart, LLP, respectfully submit the
2 following Stipulation to Extend Deadlines (Sixth Request).

3 **I. INTRODUCTION.**

4 The Parties have reached a settlement and desire to extend all pending deadlines sixty
5 (60) days to allow the Parties to finalize settlement documents and obtain the necessary final
6 approval.

7 **II. REMAINING DEADLINES.**

8 Discovery closed on July 7, 2013. See Renewed Stipulated Motion and Order to Extend
9 Discovery Deadlines (Fifth Request) (#65). The dispositive motion deadline is set for August 8,
10 2013. There is currently no trial date set. The Parties filed a Second Amended Interim Status
11 Report on June 17, 2013, requesting a trial date for two (2) days on or after February 2014, but
12 have not yet received a new trial date from the Court. (#67).

13 **III. GOOD CAUSE EXISTS FOR THE EXTENSION OF TIME.**

14 The Parties enter into this Stipulation in good faith and not for the purposes of delay.
15 Good cause exists for the extension of time because the Parties reached a Settlement in a private
16 mediation with Ara Shirinian, Esq. on July 31, 2013. LR 6-1(b). The Parties executed a
17 Settlement Agreement, pursuant to which the Parties are to execute a more detailed Settlement
18 Agreement to be finally approved by both Parties, and the Parties are to stipulate to extend all
19 pending deadlines sixty (60) days. The sixty-day extension will allow the Parties to draft all the
20 particular terms necessary for the final Settlement Agreement, obtain the necessary final
21 approval, execute settlement documents, and complete the terms of the Settlement. The Parties
22 wish to extend the deadlines to avoid the unnecessary fees and costs associated with filing
23 dispositive motions and the associated briefing while finalizing the Settlement.

24 **IV. EXCUSABLE NEGLECT.**

25 The Parties' failure to file this Stipulation 21 or more days before the dispositive motion
26 deadline is the result of excusable neglect. LR 26-4. The dispositive motion deadline is
27 currently set on August 8, 2013. The Parties did not reach a settlement until the mediation held

1 on July 31, 2013. Therefore, the Parties were unaware of the settlement until only eight (8) days
2 before the dispositive motion deadline. Thus, the filing of this Stipulation less than 21 days
3 before the dispositive motion deadline is the result of excusable neglect.

4 **V. PROPOSED SCHEDULE.**

5 The Parties propose the following schedule for the remaining deadlines:

- 6 1. Dispositive Motions: October 7, 2013
7 2. Trial: On or after April, 2014 for 2 days, at the Court's convenience.

8 Dated this 5th of August, 2013

Dated this 5th of August, 2013

9 **MARQUIS AURBACH COFFING**

HOLLAND & HART LLP

10 By: /s/ Frank M. Flansburg III

By: /s/ Nicole E. Lovelock

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16 Attorneys for Defendants

Attorneys for Plaintiff

17 **ORDER**

18 IT IS SO ORDERED.

19 
UNITED STATES MAGISTRATE JUDGE

20 DATED: August 6, 2013

21 Submitted by:

22 MARQUIS AURBACH COFFING

23
24 By: /s/ Frank M. Flansburg III

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